

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the non-final Office Action mailed August 2, 2006. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance. Upon entry of the amendments in this response, claims 41, 43 – 48, 50 – 55, and 57 – 60 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Terminal Disclaimer

The Office Action indicates that claims 41, 48, and 55 are rejected on the ground of nonstatutory obvious-type double patenting, as being allegedly unpatentable over claims 1, 8, and 16 of U.S. Patent No. 6,707,890. Applicants file a terminal disclaimer and consider this issue moot.

II. Rejections Under 35 U.S.C. §103

A. Claim 41 is Allowable Over *Zafar et al.* in view of *Dorenbosch et al.*

The Office Action indicates that claim 41 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0076272 A1 ("*Zafar*") in view of U.S. Publication Number 2002/0173308 A1 ("*Dorenbosch*"). Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Dorenbosch* fails to disclose, teach, or suggest all of the elements of claim 41. More specifically, claim 41 recites:

A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

determining at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device; and

in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery.
(Emphasis added)

Applicants respectfully submit that claim 41 is allowable for at least the reason that the cited art fails to disclose a “method, at an enhanced notification server, for notification of messages comprising... ***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device...***[and] ***in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery***” as recited in claim 41. More specifically, *Dorenbosch* discloses a “message buffer 36 [that] stores instant messages intended for the mobile subscriber 12” (page 2, column [0020]). Additionally, *Dorenbosch* discloses “when the mobile subscriber 12 becomes temporarily unavailable due to roaming or the like, by causing the IM proxy 24 to re-send a message intended for the mobile subscriber 12 a predetermined number of times within a predetermined time period before the IM proxy 24 drops the message from the message buffer 36” (page 2, column [0020]).

Applicants respectfully submit that *Dorenbosch* fails to suggest “***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device...***[and] ***in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery***” as

recited in claim 41 for at least the reason that *Dorenbosch* fails to disclose any condition for “stor[ing] instant messages intended for the mobile subscriber 12.” As illustrated above, *Dorenbosch* appears to disclose that message buffer 36 always stores instant messages intended for a mobile subscriber 12. Depending on whether the mobile subscriber is reached, the stored message may then be dropped. For at least the reason that *Dorenbosch* fails to disclose “***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device...***[and] ***in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery***” claim 41 is allowable over the cited art.

Additionally, *Zafar* discloses “providing [a] message to [a] called party via [a] data network by displaying an instant message containing a notification of the message on a display device visible to the called party” (page 1, paragraph [0011]). Applicants respectfully submit that this is different than a “method, at an enhanced notification server, for notification of messages comprising... ***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device...***[and] ***in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery***” as recited in claim 41. For at least this additional reason, claim 41 is allowable over the cited art.

B. Claim 48 is Allowable Over Zafar in view of Dorenbosch

The Office Action indicates that claim 48 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Dorenbosch*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Dorenbosch* fails to disclose, teach, or suggest all of the elements of claim 48. More specifically, claim 48 recites:

An enhanced notification server configured to:
receive a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;
determine at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;
map the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;
query the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;
in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device; and
in response to a determination that the subscriber is currently not available on the communications device, queue the notification at the enhanced notification server for later delivery.
(emphasis added)

Applicants respectfully submit that claim 48 is allowable for at least the reason that the cited art fails to disclose an “enhanced notification server configured to... ***in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device...***[and] ***in response to a determination that the subscriber is currently not available on the communications device, queue the notification at the enhanced notification server for later delivery***” as recited in claim 48. More specifically, *Dorenbosch* discloses a “message buffer 36 [that] stores instant messages intended for the mobile subscriber 12” (page 2, column [0020]). Additionally, *Dorenbosch* discloses “when the mobile subscriber 12 becomes temporarily unavailable due to

roaming or the like, by causing the IM proxy 24 to re-send a message intended for the mobile subscriber 12 a predetermined number of times within a predetermined time period before the IM proxy 24 drops the message from the message buffer 36" (page 2, column [0020]).

Applicants respectfully submit that *Dorenbosch* fails to suggest "***in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device...[and] in response to a determination that the subscriber is currently not available on the communications device, queue the notification at the enhanced notification server for later delivery***" as recited in claim 48 for at least the reason that *Dorenbosch* fails to disclose any condition for "stor[ing] instant messages intended for the mobile subscriber 12." As illustrated above, *Dorenbosch* appears to disclose that message buffer 36 always stores instant messages intended for a mobile subscriber 12. Depending on whether the mobile subscriber is reached, the stored message may then be dropped. For at least the reason that *Dorenbosch* fails to disclose "***in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device...[and] in response to a determination that the subscriber is currently not available on the communications device, queue the notification at the enhanced notification server for later delivery***" claim 48 is allowable over the cited art.

Additionally, *Zafar* discloses "providing [a] message to [a] called party via [a] data network by displaying an instant message containing a notification of the message on a display device visible to the called party" (page 1, paragraph [0011]). Applicants respectfully submit that this is different than an "enhanced notification server configured to... ***in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device...[and] in response to a determination that the subscriber is currently not available on the communications***

device, queue the notification at the enhanced notification server for later delivery" as recited in claim 48. For at least this additional reason, claim 48 is allowable over the cited art.

C. Claim 55 is Allowable Over Zafar in view of Dorenbosch

The Office Action indicates that claim 55 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Dorenbosch*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Dorenbosch* fails to disclose, teach, or suggest all of the elements of claim 55. More specifically, claim 55 recites:

A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server, using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second message server,

in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery; and

in response to receiving a response to the query, indicating that the subscriber desires to receive the incoming message via the second messaging server, retrieving the incoming message from the first messaging server. (***emphasis added***)

Applicants respectfully submit that claim 55 is allowable for at least the reason that the cited art fails to disclose a "method, at an enhanced notification server, for notification of messages comprising... ***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the***

subscriber desires to receive the incoming message via the second message server...[and] in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery" as recited in claim 55. More specifically, *Dorenbosch* discloses a "message buffer 36 [that] stores instant messages intended for the mobile subscriber 12" (page 2, column [0020]). Additionally, *Dorenbosch* discloses "when the mobile subscriber 12 becomes temporarily unavailable due to roaming or the like, by causing the IM proxy 24 to re-send a message intended for the mobile subscriber 12 a predetermined number of times within a predetermined time period before the IM proxy 24 drops the message from the message buffer 36" (page 2, column [0020]).

Applicants respectfully submit that *Dorenbosch* fails to suggest "***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second message server...[and] in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery***" as recited in claim 55 for at least the reason that *Dorenbosch* fails to disclose any condition for "stor[ing] instant messages intended for the mobile subscriber 12. As illustrated above, *Dorenbosch* appears to disclose that message buffer 36 always stores instant messages intended for a mobile subscriber 12. Depending on whether the mobile subscriber is reached, the stored message may then be dropped. For at least the reason that *Dorenbosch* fails to disclose "***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second***

message server...[and] in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery" claim 55 is allowable over the cited art.

Additionally, *Zafar* discloses "providing [a] message to [a] called party via [a] data network by displaying an instant message containing a notification of the message on a display device visible to the called party" (page 1, paragraph [0011]). Applicants respectfully submit that this is different than a "method, at an enhanced notification server, for notification of messages comprising... ***in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second message server...[and] in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery"*** as recited in claim 55. For at least this additional reason, claim 55 is allowable over the cited art.

D. Claims 43 – 47, 50 – 54, and 57 – 60 are Allowable Over *Zafar* in view of *Dorenbosch*

The Office Action indicates that claims 43 – 47, 50 – 54, and 57 – 60 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Dorenbosch*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Dorenbosch* fails to disclose, teach, or suggest all of the elements of claim 43 – 47, 50 – 54, and 57 – 60. More specifically, dependent claims 43 – 47 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 41. Dependent claims 50 – 54 are believed to be allowable for at least the reason that they depend from allowable independent claim 48. Dependent claims 57 – 60 are believed to be allowable for at

least the reason that they depend from allowable independent claim 55. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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